

Dear Friends:

I want to address the Food Safety Modernization Act, H.R. 875. I understand people's concerns and I hope to tackle what this bill does, does not do and where it could be improved.

I believe we need a singular focus on food safety, and we can't stumble from recall to recall, risking the safety of millions of consumers. Our current food system is not adequate to handle the demands of the 21st century. The National Academy of Sciences criticized the food safety system as outdated and ineffective while the Government Accountability Office identified the current system as a high-risk area in need of broad-based transformation.

In response, H.R. 875 restructures the Food and Drug Administration (FDA), which is largely focused on drug safety, and creates a Food Safety Administration to guarantee the safety of our food supply. It consolidates all responsibilities regarding food safety, labeling, and inspection into a single independent agency. This will help eliminate the confusing and overlapping jurisdiction among agencies (Food and Drug Administration, U.S. Department of Agriculture etc.) that exists today. The new agency would have authority to mandate product recalls and penalize companies for knowingly selling tainted products, which is what happened recently at the Peanut Corporation of America.

I am certainly mindful of the impact on small farmers this bill could have. My district is home to many wonderful specialty crops with small-scale producers, and I have been a backyard gardener for years. Routine inspections of farms would still remain under the jurisdiction of states. FDA officials will not be showing up on farms to inspect it on a regular basis. There is no

language in the bill that would penalize or shut down backyard farmers.

In 1990 I succeeded in passing the Organic Food Product Act in the House of Representatives, which established the original organics standards and the National Organics Program. I have always supported organic issues, and I will make certain there are no unintended consequences that will impinge on organic producers or any small farm should this bill move forward. The National Organic Program is under the jurisdiction of the U.S. Department of Agriculture, while the Food Safety Modernization Act only addressed food safety issues under the jurisdiction of the FDA.

I do believe this bill can be improved by addressing concerns surrounding the broad definition of food production facilities currently included in the bill. As stated, food production facilities are defined as “any farm, ranch, orchard, vineyard, aquaculture facility, or confined animal-feeding operation”. While I support the larger concepts of this bill, this definition could be clearer and more concise. I have reached out to the author of the legislation to push for a better definition, and I am hopeful that as the bill moves through committee this definition will be revised.

I will continue to work for a better food safety system so we can be assured that our families are eating safe foods.

For additional information on the bill I have added information below, including a recent Dear Colleague sent out by the bills sponsor, Rosa DeLauro, and other helpful links. Sincerely,

Peter DeFazio

Member of Congress

Get the Facts and Protect Our Food Supply

Dear Colleague:

Many of you may have received calls and e-mails in relation to a misinformation campaign that makes false claims about H.R. 875, the *Food Safety Modernization Act*. These calls and e-mails claim that the bill would, among other things, criminalize backyard gardens, close farmers' markets, and eliminate organic farming by requiring them to use certain types of seeds and fertilizer. Furthermore, these correspondences claim that H.R. 875 will pass Congress soon without amendments or debate.

Whether or not you support the bill, I assure you that all of these claims are completely false. [Annenberg Political Fact Check](#) described the e-mail campaign as "Internet hysteria." As far as claims that H.R. 875 would target organic farmers, benefits manufacturers of genetically engineered seeds, and threatens to uproot backyard vegetable gardens across the country, Annenberg Political Fact Check says simply - "It doesn't." The Organic Trade Association and the Organic Consumers Association have asserted that these claims are false.

Organic farmers have a strong record in providing safe, high quality foods to American families and I will continue to work toward making sure that organic farming continues to thrive and grow. My bill would not ban organic farming or require organic farms to use certain types of seeds or fertilizer. I have been committed to promoting organic farming and access to locally-grown foods, and as chair of the House Agriculture Appropriations Subcommittee, I have a proven record on increasing funding for organic programs within the bill.

The *Food Safety Modernization Act* would fix systemic problems in our food safety system by establishing a Food Safety Administration headed by an expert in food safety within HHS. The bill also contains many welcome changes to the food safety system, including: granting mandatory recall authority, requiring traceability, establishing a strong risk-based inspection regime for food companies; and creating a system for certifying the safety of imported foods. This legislation also would penalize companies for knowingly selling tainted products, such as what has happened with the Peanut Corporation of America (PCA).

Before you believe any of these charges made against the bill, I invite you to read the attached 'Myth and Fact' sheet that sets the record straight on this important bill. The food safety debate needs to move beyond these outrageous myths and focus on implementing the types of reform necessary to protect our food supply. If you need additional information, please contact Brian Ronholm in my office (x53661 or brian.ronholm@mail.house.gov).

Sincerely,

ROSA L. DeLAURO

Member of Congress

Myths and Facts

H.R. 875 - The Food Safety Modernization Act

- **MYTH**: H.R. 875 "makes it illegal to grow your own garden" and would result in the "criminalization of the backyard gardener."
- **FACT**: There is no language in the bill that would regulate, penalize, or shut down backyard gardens. The focus of the bill is to ensure the safety of food in interstate commerce.

- **MYTH**: H.R. 875 would mean a "goodbye to farmers markets" because it would regulate and penalize "each farmer who wishes to sell locally."
- **FACT**: There is no language in the bill that would result in farmers markets being regulated, penalized by any fines, or shut down. Farmers markets would be able to continue to flourish under the bill. In fact, the bill would insist that imported foods meet strict safety standards to ensure that unsafe imported foods are not competing with locally-grown foods.

- **MYTH:** H.R. 875 would result in the "death of organic farming" or "mandate the use of chemicals or certain types of seeds on organic farms."

- **FACT:** There is no language in the bill that would stop or interfere with organic farming. The National Organic Program (NOP) is under the jurisdiction of the United States Department of Agriculture (USDA). The Food Safety Modernization Act only addresses food safety issues under the jurisdiction of the Food and Drug Administration (FDA).

- **MYTH:** H.R. 875 was written by Monsanto and other large agribusiness companies because Stan Greenberg, Rep. DeLauro's husband, is a consultant for Monsanto.

- **FACT:** Monsanto and other large agribusiness companies did not write or express support for H.R. 875. Mr. Greenberg had no involvement in the drafting of the bill. Greenberg, Quinlan Rosner does no lobbying on any issue and its work is wholly independent. Mr. Greenberg never worked for Monsanto, and has not conducted surveys for Monsanto in the past decade. The bill is supported by several Members of Congress who have strong progressive records on issues involving farmers markets, organic farming, and locally-grown foods. Also, H.R. 875 is the only food safety legislation that has been supported by all the major consumer and food safety groups:

- Center for Foodborne Illness Research & Prevention
- Center for Science in the Public Interest
- Consumer Federation of America
- Consumers Union
- Food & Water Watch
- The Pew Charitable Trusts
- Safe Tables Our Priority
- Trust for America's Health

- **MYTH:** H.R. 875 would implement a national animal ID system (NAIS).

- **FACT:** There is no language in the bill that would implement NAIS, which is under the jurisdiction of the USDA. H.R. 875 addresses issues under the jurisdiction of the FDA.

- **MYTH**: H.R. 875 will pass the Congress next week without amendments or debate.
- **FACT**: Food safety legislation has yet to be considered by any Congressional committee.

As legislation moves forward, the House Energy and Commerce Committee will consider H.R. 759 as its base bill. The Senate HELP Committee will consider S. 510 as its base bill.

News:

[Oregonians go to D.C. to push food safety](#)